

LABEL, IN PART: (Capsules) "Globe Uterine Capsules * * * Active Ingredients 100%: Sodium Perborate 39%, Boric Acid 60%, Iodoform 1%."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it was represented to possess, namely, "Sodium Perborate 39%."

Misbranding, Section 502 (a), the label statement "Sodium Perborate 39%" was false and misleading as applied to an article which contained no sodium perborate.

DISPOSITION: September 6, 1951. Default decree of condemnation and destruction.

3614. Adulteration and misbranding of clinical thermometers. U. S. v. 48 Cartons * * *. (F. D. C. No. 31942. Sample No. 11205-L.)

LIBEL FILED: October 24, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 23, 1951, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: *Clinical thermometers.* 48 cartons, each containing 1 thermometer, and a leaflet entitled "Certificate of Accuracy for Clinical Thermometer" at Cleveland, Ohio.

Examination of 23 thermometers showed that 5 failed to comply with the Commercial Standard CS1-32 since 2 failed to give readings of required accuracy, 2 failed to meet the hard shaker test, and 1 failed to meet the test for entrapped gas.

LABEL, IN PART: (Carton) "Cardinal Fever Thermometer Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the following statements in the leaflet were false and misleading as applied to an article which did not conform to the specifications set forth in CS1-32 Department of Commerce: "This certifies that the enclosed thermometer * * * has been tested on the above date at 98°, 102° and 106° F. and is correct within plus or minus 2/10 F. at any of these test points. This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1-32 Department of Commerce)."

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3615. Misbranding of Diaplex. U. S. v. 21 Cartons, etc. (F. D. C. No. 31735. Sample No. 24156-L.)

LIBEL FILED: September 28, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 10, 1951, by H. W. Pierce, from Wellington, Colo.

PRODUCT: 21 cartons of *Diaplex* at Brooklyn, N. Y., together with a number of circulars entitled "The Successful Treatment of Diabetes." Analysis indicated that the product was a species of saltbush, such as *Atriplex canescens*.

*See also Nos. 3601, 3602, 3605, 3607, 3611-3614.

LABEL, IN PART: "Diaplex for Diabetics Net weight 12 ounces."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the carton label and in the accompanying circular were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for diabetes, heart, appendix, liver and kidney conditions, bloating of the stomach, diabetic gangrene, and gangrenous infection; and that it was effective to induce sleep and render unnecessary the use of insulin by diabetics. The article was not an adequate and effective treatment for such conditions.

Further misbranding, Section 502 (e) (1), the label of the article failed to bear the common or usual name of the drug.

DISPOSITION: November 14, 1951. Default decree of condemnation and destruction.

3616. Misbranding of Quik-Kap capsules. U. S. v. 46,590 Capsules, etc. (F. D. C. No. 31973. Sample No. 36917-L.)

LIBEL FILED: November 15, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 7, 1951, from Newark, N. J.

PRODUCT: 46,590 *Quik-Kap capsules* at New York, N. Y., in the possession of the Personal Drug Co.

RESULTS OF INVESTIGATION: After receipt of the capsules from Newark, N. J., the consignee repackaged a number of the capsules into 21-capsule-size boxes. At the time of mailing to purchasers, there was inserted with each box in a mailing carton a leaflet entitled "Directions For The Use of Quik-Kaps." The consignee also had on hand a number of leaflets and loose labels used in repacking the bulk material.

LABEL, IN PART: (Box) "Quik-Kap Capsules * * * 21 Capsules * * *
Active Ingredients: Black Cohosh (Powd. Ext. Cimicifuga) 0.0065 Gm. Wind Flower (Powd. Ext. Pulsatilla) 0.0065 Gm. Ferrous Sulfate U. S. P., Manganese Dioxide, Thiamine Hydrochloride U. S. P. (vit. B₁) 0.001 Gm."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the box label and in the leaflet were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for delayed or irregular menstruation, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

3617. Misbranding of vitamin tablets. U. S. v. 720 Packages, etc. (F. D. C. No. 31227. Sample Nos. 23825-L, 23826-L.)

LIBEL FILED: June 29, 1951, District of New Jersey.

ALLEGED SHIPMENT: Approximately 6 years prior to the date of the libel, by Major Vitamins, Inc., from New York, N. Y.

PRODUCT: 1,296 packages of *vitamin tablets* at Bound Brook, N. J.

LABEL, IN PART: (Package) "Major-B Brand Natural Vitamin B Complex with added thiamine Tablets [or "Major B Complex Brand Natural Vitamin Tablets"]."